



EEOC News

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FOR IMMEDIATE RELEASE:

March 16, 2006

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HOLLYWOOD VIDEO TO PAY \$70,000 FOR DISABILITY BIAS *EEOC Says Deaf Employee Denied Promotion and Pay Raises, Forced to Quit Job*

SEATTLE -- The U.S. Equal Employment Opportunity Commission (EEOC) today announced a litigation settlement with a Hollywood Video store in Ammon, Idaho, for \$70,000 and other provisions on behalf of a deaf former employee who was discriminated against because of her disability in the terms and conditions of her job.

The EEOC's lawsuit against Hollywood Entertainment Corporation, which does business as Hollywood Video, alleged that charging party Suzanne Yorgensen was denied reasonable accommodations she needed to do her work, denied opportunities for promotion, and given a 'constructive discharge' -- no alternative but to quit her job. Under the Americans with Disabilities Act (ADA), companies have a legal obligation to engage in an interactive process to try to accommodate a qualified individual with a disability.

In addition to paying Yorgensen \$70,000, Hollywood Entertainment will also train managers and supervisors on compliance with the ADA and their duty to accommodate and to voluntarily provide information to the EEOC concerning its handling of discrimination complaints for a period of two years.

Yorgensen began her employment with Hollywood Entertainment in November 1998. Her duties consisted of returning videos to the shelves and cleaning. The EEOC charged that she was denied promotions and pay raises because of her disability -- she was unable to hear the store security alarm tied into the front door and or hear phone conversations. Yorgensen's repeated requests for reasonable accommodations were for two items to be provided at no cost by her rehabilitation counselor: a blinking light on the front door alarm system so she would know when customers came in and out, and a special phone to enable her to hear incoming calls. Because the company was non-responsive to her many requests for accommodation, Yorgensen was forced to leave the company after nearly four years of employment at her entry-level job.

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HOLLYWOOD VIDEO SETTLES FOR DISABILITY BIAS LAWSUIT
\$80,000 For Deaf Employee

"This case should remind employers that they cannot ignore their responsibilities under the Americans with Disabilities Act," said EEOC Regional Attorney William Tamayo. "Mrs. Yorgensen worked extremely hard, had an exemplary performance record and was well liked by the customers. All she wanted was to have the same opportunities that those around her did. She asked for very modest accommodations so that she could work to her fullest potential. If Hollywood Entertainment considered the cost-free changes she proposed, Mrs. Yorgensen might have had the same opportunity to advance into management as her peers."

The EEOC filed the suit (*EEOC v. Hollywood Entertainment, d/b/a Hollywood Video*, Case No 04-478-E-BLW in November 2004 in the U.S. District Court for Idaho after first attempting to reach a voluntary settlement through the agency's conciliation process.

EEOC San Francisco District Office Director Joan Ehrlich said, "This settlement is significant because deaf people are largely invisible to mainstream society, causing qualified, able workers to be overlooked and underemployed. In fact, the EEOC's San Francisco District – including Alaska, Northern California, Montana, Northern Nevada, Oregon, Washington, as well as Idaho – is currently developing an public education campaign to promote equal opportunity for deaf applicants and employees and best practices for employers."

According to the company's web site, Hollywood Entertainment operates 2,000 Hollywood Video superstores and more than 700 Game Crazy specialty retail outlets nationwide.

In addition to enforcing the ADA, which prohibits employment discrimination based on disability, the Commission also enforces Title VII which prohibits employment discrimination based on race, color, religion, sex (including sexual harassment or pregnancy) or national origin and protects employee who complain about such offenses from retaliation, the EEOC enforces the Age Discrimination in Employment Act of 1967 (ADEA), which protects workers age 40 and older from discrimination based on age; the Equal Pay Act of 1963, which prohibits gender-based wage discrimination; the Rehabilitation Act of 1973, which prohibits employment discrimination against people with disabilities in the federal sector; Title I of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. Further information about the EEOC is available on its web site at www.eeoc.gov.

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